

REMARKS

The specification has been amended to correct grammatical and idiomatic errors contained therein. No new matter has been added.

Claims 1, 3 and 4 have been rejected under 35 USC 103(a) as being unpatentable over Toshima in view of Jaisle et al. Applicants respectfully traverse this ground of rejection and urge reconsideration in light of the following comments.

The presently claimed invention is directed to a packing material using a film laminate in which a heat sealing agent with a low melting point is applied to a prescribed zone of an oriented film made of a synthetic resin, a cutting line is cut in the oriented film in the form of a solid or broken line passing through the zone coated with the heat sealing agent and a cast film made of a synthetic resin and having heat sealing properties is affixed to the oriented film.

The packaging material of the present invention can be used as a substrate for packaging bags or containers employed for heat treatment of processed food or various foods or for thermal sterilization of medical instruments in, for example, a microwave oven. As such, the packaging material of the present invention is designed to control the pressure change within the packaging bag or container depending on the amount of steam generated from the contents contained in the bag or container. Since the pressure change is an important consideration, the packaging material of the present invention uses a cast film made of a synthetic resin and having heat sealing properties as an essential component. The cutting line is formed as a solid or broken line at the prescribed zone of the oriented film or the cast film. When using the oriented film, the low-melting sealing agent is applied to the zone on and around the cutting line formed in the oriented film.

When a bag or container is made of the claimed packaging material and the contents contained therein are heated in a microwave oven, the cast film having heat sealing properties is softened and, further, if a sealing agent is applied, the sealing agent melts and liquefies. The cast film in the zone where the cutting line is formed with or without the low-melting sealing agent extends and expands in the direction of stress acting perpendicular to the cutting line as the pressure inside the bag or container increases. Since the laminate strength of the packaging material, excluding the cutting line zone, is high and extension and expansion are restrained, the cast film or thermally insulating sheet is partially cut and a small hole or local cleavage is formed at the boundary. This small hole or cleavage adjusts the internal pressure inside the container depending on the amount of steam generated during the heating of the bag or container.

The cast film extends in both the longitudinal and lateral direction thereof when being heated and has desirable mechanical properties as a heat sealant constituting a laminate material. The use of a cast film in the present invention is essential in combination with the formation of the cutting line. Additionally, the use of a heat sealing agent is essential when laminating the oriented film onto the cast film. Depending on the degree of heating, the use of a thermally insulating flexible sheet is desirable because it insulates the heat generated inside the packaging bag and the heated bag can be handled with bare hands, even immediately after heating, except for the zone around the vapor blow out portion. It is respectfully submitted that the prior art cited by the Examiner does not disclose the presently claimed invention.

The Toshima reference discloses a tape-sealed bag and method for producing the same. The bag is a pillow-type bag which is sealed with a tape adhered to any portion of a surface of the bag and is easily opened by taking an end of the tape with the fingers and pulling it. More specifically,

the pillow-type bag is only opened in the vicinity of a laterally fused area of the bag. The adhesive tape of this reference is prepared separately from the base film and is adhered to the bag to cover a slit. In contrast thereto, the heat sealing agent of the present invention is directly applied onto the oriented film without being covered with an additional adhesive tape. Additionally, the bags disclosed in this reference are not designed to be used under heating and to control the heating-induced pressure change within the bag. The intended use of this bag is entirely different from that of the present invention and this reference does not teach or suggest a packaging material in a structure which can follow and adjust to a pressure change under heating.

Additionally, in Toshima, there is no motivation to use, as an essential component, a cast film which is extendable or expandable under heating, in combination with the formation of the cutting slit or line. There is also no disclosure regarding a hole or local cleavage formed during heating which effectively functions in the adjustment of the pressure change within the bag or container. Lastly, this reference has no disclosure with respect to the heating of this bag so there is no teaching or motivation to use a thermally insulating flexible sheet. Therefore, the secondary reference cited by the Examiner must provide motivation to one of ordinary skill in the art to modify the primary Toshima reference in a manner that would disclose the presently claimed invention. It is respectfully submitted that the secondary reference contains no such disclosure.

The Jaisle et al reference discloses a flexible package for a product which has a resealable closure for resealing one portion of the package to an opposing portion of the package. This reference also does not disclose the use of a cast film in combination with the formation of a cutting line or the use of this bag under a heating condition in which the pressure inside the bag changes. Lastly, this reference contains no teachings with respect to the use of a thermally insulating

flexible sheet and, therefore, in combination with the previously discussed reference, does not even present a showing of prima facie obviousness with respect to the presently claimed invention.

It has been noted in the outstanding Office Action that the Examiner indicates that none of the certified copies of the priority documents have been received from the International Bureau. Enclosed herewith for the Examiner's benefit is a notification from WIPO which indicates that the priority documents have been submitted to the PTO. The Examiner is respectfully requested to carefully review the file wrapper of the present application because the priority documents should be present therein. Additionally, there is no notification in the last Office Action regarding the receipt of an Information Disclosure Statement from the Applicants. In the next communication from the Patent Office, the Examiner is respectfully requested to acknowledge the receipt of an Information Disclosure Statement from Applicants.

Favorable consideration is respectfully solicited.

Respectfully submitted,


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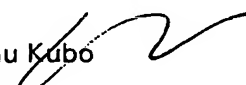
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Applicant INAGAKI, Hiromichi et al	

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<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
26 April 2000 (26.04.00)	2000/125673	JP	18 May 2001 (18.05.01)
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